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In re Application of :
YOUNG, et al. :
Application No.: 10/568,717 : DECISION ON PETITION
PCT No.: PCT/US04/26308 :
Int. Filing Date: 13 August 2004 : UNDER 37 CFR 1.181
Priority Date: 13 August 2004 :
Attorney Docket No.: MIC-87-PCT-US (P50-0115) :
For: AUTOMATIC PRESSURE AND :
TEMPERATURE CONTROL APPARATUS AND :
METHOD FOR CURING TIRE ASSEMBLIES :

This decision is in response to applicant's petition under 37 CFR 1.181 filed 23 April 2008 in the United States Patent and Trademark Office (USPTO) to reconstruct the above-captioned U.S. National stage filing under 35 U.S.C. 371. No petition fee is required.

BACKGROUND

On 13 August 2004, applicant filed international application PCT/US04/26308 without a claim of priority to an earlier application. Pursuant to 37 CFR 1.485, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 13 February 2007.

On 14 May 2007, applicant filed a change of correspondence form.

On 20 February 2008, applicant filed a status inquiry as to the above-captioned application.

On 23 April 2008, applicant filed a petition to reconstruct the application which was accompanied, inter alia; by itemized post card receipt stamped with a receipt date of 17 February 2006 and true copies of papers purportedly filed 17 February 2006, namely, a Transmittal Letter concerning a filing under 35 U.S.C. 371; a transmittal letter to the United States Receiving Office (RO/US) and a copy of the international application with claims, abstract and three sheets of drawings.

DISCUSSION

The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. See MPEP 503. Here,

applicant has provided a copy of the date-stamped postcard receipt, as well as, a complete copy of the prior filing and certification that the copy currently provided is a true and complete copy of the papers filed on 17 February 2006. The postcard identifies the application by international application number, title and attorney docket number. Among the items listed on the receipt are: "Credit Card Payment Form" and "Transmittal Letter to the United States Designated/Elected Office (EO/EO/US)." The receipt is stamped "IAP6 Rec'd PCT/PTO 17 FEB 2006." The postcard has not been annotated in any way to indicate that any of the listed items were not received. Thus, it is clear that applicant filed papers for entry into the United States national stage on 17 February 2006 and it is proper to grant applicant's petition to reconstruct the application file at this time.

It is noted that a review of the fee record for the present application confirms applicant's payment by credit card of the full, U.S. Basic National Fee on 17 February 2006. As such, it is clear that applicant provided payment prior to the expiration of 30 months from the priority date.

The above papers are accepted as having been filed on 17 February 2006 and will be used to reconstruct the National Stage application file. It is noted that applicant's postcard also lists an Information Disclosure Statement cover sheet (2 sheets) and Information Disclosure Sheet (1 sheet). It does not appear that applicant has included a copy of these items with the present petition.

CONCLUSION

For the reasons detailed above, the petition to reconstruct under 37 CFR 1.181 is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for processing in accordance with this decision, that is, for issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905), to inform applicant that an oath or declaration of the inventors in compliance with 37 CFR 1.497 is required.



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